OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: April 24, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. McDonough
1 - Mr. Bishop

SUBJECT: MURKIN

This case concerns the murder of Martin Luther King, Jr.

TELEGRAM TO ATTORNEY GENERAL FROM CONGRESSMAN SELDEN:

Mr. Sol Lindenbaum, the Executive Assistant to the Attorney General, has forwarded a telegram dated 4/19/68 addressed to the Attorney General from Armistead Selden, Congressman from Alabama (Democrat). Congressman Selden's telegram reads as follows: "Please advise why arrest warrant for Eric Starvo Galt was issued in Birmingham. FBI's evidence revealed thus far clearly indicates that Galt spent only a few weeks in Birmingham and that he also spent time in several other states. The crime was not committed in Birmingham. This is a most unusual procedure to follow. Armistead Selden, Member of Congress."

Mr. Lindenbaum enclosed a copy of his acknowledgment to Congressman Selden's telegram informing him that the matter has been referred to the Bureau. Mr. Lindenbaum's letter to Congressman Selden states in part as follows: "The choice of a jurisdiction in which to apply for the warrant was made by the investigators. Your telegram is therefore being referred to the FBI for reply. However, I might add that since the warrant was based on a complaint alleging a conspiracy that began in Birmingham, it was not inappropriate to seek it in that city."

Bureau files show we have had cordial relations with Congressman Selden, 62-98924.

REC-14 62-38561-77

BACKGROUND:

14 APR 29 1968

On 4/16/68, the Attorney General authorized the filing of a complaint charging Eric Starvo Galt with violation of Title 18, Section 241, U. S. Code, for

Enclosures Sent 4-25-68

EJM:wjc
(7)

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conspiring to interfere with the constitutional rights of Martin Luther King, Jr. Galt has been identified as being James Earl Ray.

Under the statute used, the complaint can be filed in any district in which the conspiracy took place or an overt act occurred. Since the shooting occurred in Memphis and the gun had been purchased in Birmingham, consideration was given to filing the complaint at Memphis or Birmingham. It was our understanding that we could not rely on the U. S. Attorney at Memphis and if we attempted to file the complaint there, we would immediately lose control of the situation. Therefore, the complaint was filed at Birmingham where, on the basis of facts then available, the first overt act in furtherance of the conspiracy was committed. Based on the complaint, the U. S. Commissioner then issued the warrant of arrest.

ACTION:

In light of the above it is recommended that Congressman Selden be advised along similar lines to the acknowledgment made by Mr. Lindenbaum. Congressman Selden is being advised that since the complaint alleged a conspiracy which, on the basis of facts available, began in Birmingham the warrant was obtained in that city. Attached for approval is a letter to Congressman Selden. A copy of our acknowledgment to Congressman Selden is being furnished to the Attorney General, Deputy Attorney General and Assistant Attorney General Stephen J. Pollak, Civil Rights Division.

44-38861-2579

over

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Exemption of "It was our understanding that we could not rely on the U.S. Attorney at Memphis..." 44-38861-2579